

APPROVED: Meeting No. 36-86

ATTEST: *Carol A. Kachadoorian*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 26-86

June 9, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 9, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

ABSENT

Councilman Peter Hartogensis
(on travel leave)

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Attorney Paul Glasgow, City Clerk Carol A. Kachadoorian.

Re: Invocation

An invocation was given by Reverend Mansfield Kaseman.

Re: City Manager's Report

Mr. Robinson reported the following:

1. The City has been notified by the Governmental Finance Officers Association that the City will be receiving a Certificate of Achievement for the City's 1985 Comprehensive Financial Report. The City Manager noted that

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receipt of this certificate is a major and significant accomplishment for the City, and that Mary S. Parker, Director of Finance, will be receiving a plaque.

2. The City has been notified by Westmont that the World Bank has decided not to move its operations out of its current location or to go forward with any expansion at this time.

3. Text Amendment Application T-78-86, has been filed on behalf of the Mayor and Council amending the current zone, O-3.

Mayor Van Grack noted that the Mayor and Council has received the final recommendation from the Rockville Pike Committee. He commented that a great amount of work has gone into the document and that the members of the committee deserve credit and praise for their efforts. He further stated that he is optimistic that the Planning Commission will review the plan in a timely fashion.

Re: Appointments

Mayor Van Grack, with the concurrence of the Council, made the following appointment:

Cultural Arts Commission: John Moser - reappointed to a two-year term

Re: Presentation:
Resolution to Mid-
Atlantic Coca Cola
Bottlers Association

Resolution No. 16-86

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of those present, Resolution No. 16-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, was adopted by the Mayor and Coun

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The Resolution was presented to the Mid-Atlantic Coca Cola Bottlers Association thanking them for their donation of scoreboards to two City park facilities.

Re: Resolution to Dr. Darius Brown, departing Principal of Richard Montgomery High School

Mr. Brown was not in attendance at the meeting, so that the resolution was not presented or adopted this evening.

Re: Citizen's Forum

The meeting was opened to those citizens who wished to address the Mayor and Council:

1. Fahad Asizi, 613 Denham Road. Mr. Asizi addressed the Mayor and Council regarding the addition of fluoride into water by the WSSC. He stated he believes the fluoride to be a toxic substance and did not receive a satisfactory answer from the WSSC when asking them about this matter. The Mayor and Council asked the City Manager to work with the Department of Public Works to provide some information on this matter.

2. Fran Thompson, 727 Monroe Street, Apt. 301. Ms. Thompson stated her concern about the new department of Community Services, particularly a conflict of interest she saw regarding having the Human Rights Investigator and Human Rights Officer report to the City Manager. She referenced a problem with the Rockville Police Department and the Lincoln Park Community in the summer of 1985 and asked who would be assigned to investigate Human Rights claims for City employees, feeling that the City should not be investigating itself. Ms. Thompson also expressed concern over the elimination of the position of the Director of Community Resources, noting that the creation of

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the new department of Community Services was the second major change in the City government recently, and she was not sure all the items, initially included in the new department of Community Services, belongs there. Mayor Van Grack stated that the new Department of Community Services is a significant change that has major emphasis on Human Services. He indicated a strong support and commitment for the new department from the Mayor and Council stating that it was unfortunate that Mr. Drayton's position was eliminated. The Mayor cited two examples of activities currently underway in the City that indicate the new focus the department will have. The first example is police training in minority relations. The second example is the enhanced funding and activities celebrating Martin Luther King's birthday. In addition, Councilman Abrams noted to Ms. Thompson, improvements in the budget for activities such as those with the Rockville Housing Authority. He further noted that there has to be faith placed in the Mayor and Council by the citizenry. He also stated that the Mayor and Council have spent a great deal of time over the past few months in the reorganization and that the Mayor and Council do support the changes.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizens forum portion of the meeting.

Re: Consent Agenda

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, the following five items on the consent agenda were approved as recommended by staff:

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Re: Resolution: To withdraw
Text Amendment Applica-
tion, T-77-86, Mayor and
Council of Rockville,
applicant.

Resolution No. 17-86

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, Resolution No. 17-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, withdrawing Text Amendment Application, T-77-86, was adopted by the Mayor and Council.

Re: Resolution: To
establish a New
Personnel Classification
and Pay Plan

Resolution No. 18-86

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, Resolution No. 17-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, estblishing a new personnel classification and pay plan, was adopted by the Mayor and Council.

Re: Authorization to Execute
Contract for Consultant
Service - Rockville Pike
Plan, Urban Design
Element

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present authorization was given to the City Manager to execute a contract for consultant service for the Rockville Pike Plan, Urban Design Element.

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Re: Approval of Request for
on-site storm water
management waiver - Lot
23, Block 2, Rockville
Pike

This vacant Lot, Block 2 Lot 23, is located at 603 Grandin Avenue between Baltimore Road and Reading Avenue in the Rock Creek drainage area. Runoff flows through an open gutter to Baltimore Road where it enters a storm drain and is conveyed to Maryvale Park and on to Rock Creek.

On-site SWM facilities are not recommended for individual single family homes because of space limitations on the lot, the potential to create water problems in the basement if the SWM facility is placed too close to the house.

Since the proposed Maryvale SWM facility will provide compensating storage, it is recommended that a waiver be granted and a contribution of \$322 be accepted toward the City's off-site SWM program.

On motion of Councilman Duncan, duly seconded and unanimously passed, the on-site waiver was granted and a contribution of \$322 was accepted towards the City's off-site SWM program.

Re: Approval of Request: On
site Storm Water Manage-
ment Waiver - 1250 W.
Montgomery Avenue

This 0.94 acre site is located in the Watts Branch drainage area. Currently the site is a Shell Gasoline Station. The owners propose to expand the pump area and replace the service building. The amount of impervious area within the limits of land disturbing activity is 0.05 acres. Runoff from this site is conveyed by enclosed storm drains and open ditches to Watts Branch.

The preferred method of on-site SWM is infiltration, however, because the area of land disturbing activity does not include an area where an acceptable

SWM facility can be constructed, a waiver is recommended. The existing SWM facility at National Capital Research Park, which is located upstream from the site, can provide compensating SWM at this time. When the proposed SWM facility at Wootton Mill Park is constructed it will provide SWM for the runoff from this site.

Therefore, staff recommends that a waiver be granted for this site and a contribution of \$1,000 be accepted towards the City's off-site SWM program.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the on-site SWM waiver was granted and a contribution of \$1,000 was accepted towards the City's off-sit SWM program as recommended by staff.

Re: Introduction of
Ordinance: To amend
Section 7-2.19 of
Chapter 7 of the "Laws
of Rockville" to
increase the penalty for
restoring water service

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to amend Section 7-2.19 of Chapter 7 of the "Laws of Rockville" to increase the penalty for restoring water service, said ordinance to lay over at least one week before final action is taken.

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Re: Introduction of
Ordinance: To grant Map
Amendment Application,
M-48-86, Mayor and
Council, Applicant, to
rezone an unimproved lot
located on South
Stonestreet Avenue at
Reading Place, an area
of 9,042 square feet, be
rezoned from the present
I-1, Industrial Zone, to
R-75, Residential Zone

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to grant Map Amendment Application, M-48-86, Mayor and Council, Applicant, to rezone an unimproved lot located on South Stonestreet Avenue at Reading Place, an area of 9,042 square feet, be rezoned from the present I-1, Industrial Zone, to R-75, Residential Zone, said ordinance to lay over at least one week before final action is taken.

Re: Correspondence:

The Mayor and Council noted the following items of Correspondence:

1. Thank you letter from the students from Student Government Days.

Councilman Duncan referenced the letter and stated the value for having student government days for both the City and the students.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Woodley Gardens Newsletter, June, 1986.

Re: New Business

1. Rejection of Bid No. 80-86 for installation of basketball courts at David Scull Park.

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Bids were mailed to bid publication services and to thirty-four (34) contactors. Only one response was received, Pickens and Sons, Inc., for \$25,800. The budgeted amount for this project is \$16,400. It has been determined that the budget figure may have been low by approximately \$5,000, placing the revised estimate at slightly under \$22,000. A new Invitation for Bid could be issued, changing the specifications to provide for deducts of a Soil Sterilizer where treatment of the top six inches of subgrade with sterilizer to prevent growth of vegetation was required; and for surface colorcoating of "in-bounds" and "out-of-bounds" playing surfaces. These deducts could lower the cost by \$5,00.

It is recommended by staff that the sole bid from Pickens & Sons be rejected as being over budget and that new specifications be prepared with deducts as referenced.

Councilman Duncan moved, duly seconded by Councilman Abrams for purposes of discussion, to reject the sole bidder for Bid No. 80-86.

Councilman Abrams expressed his concern over the timing of the invitation to bid and questioned whether or not the specifications for the work and issuing another invitation to bid would provide the City with a lower bid on the project. In response to questions by Councilman Abrams, City Manager Robinson stated that the construction target for the project is for the summer of 1986; however, he noted that this target could still be met if the specifications were revised and another invitation to bid was issued. The City Manager felt that it was possible to get a reduce bid on the project by eliminating soil sterilization from the specifications.

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Councilman Duncan's motion passed with Mayor Van Grack and Councilmembers Duncan and Coyle voting aye and Councilman Abrams voting nay, to reject the sole bid from Pickens & Sons, in the amount of \$25,800, for Bid No. 80-86, installation of new basketball courts at David Scull Park, as being over budget, and to instruct staff to prepare new specifications for rebid.

Re: Adoption of Resolution:
To set fees for Refuse
Collection

On motion of Councilman Duncan, duly seconded by Councilman Coyle, the Mayor and Council moved to set refuse collection rates at \$15.94 per month. At the request of Councilman Abrams, the vote on the resolution was deferred until discussion of Agenda Item No. 6, Adoption of Ordinance to Appropriate Funds and Levy Taxes for 1987.

Re: Adoption of Ordinance:
To Appropriate Funds and
Levy Taxes for FY 87

On motion of Councilman Duncan, duly seconded by Councilman Abrams, the Mayor and Council discussed adopting a property tax rate of \$.88. Councilman Duncan moved, seconded by Councilman Coyle, to amend the proposed ordinance such that the property tax rate would be lowered to \$.87. Councilman Duncan noted that this was the second year for proposing a reduction in the tax rate, citing the City's \$6 million in reserves, as a reason for doing so this year. He proposed taking \$100,000 of the \$6 million reserve, to fund those expenditures, thus allowing the rate to be lowered by 1 percent. Councilman Abrams stated he is not willing to support a symbolic reduction and suggested instead subsidizing the refuse fund \$100,000. He stated this would achieve a \$.12 reduction per household per year, stating this sum would be equal to a

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savings generated from a \$.01 tax reduction on a house assessed at \$200,000. Furthermore, he felt there were more creative uses for the \$100,000 than for substituting for a \$.01 tax reduction. Councilman Duncan stated he felt the tax rate across the board reduction for all residents, whereas the refuse rate, only applies to a smaller group of households that utilize refuse collection. Councilman Coyle stated that he felt that spending \$100,000 on the refuse fund would only be a stop-gap measure and that there was a need to look at ways to solve the financial problems of the refuse fund more permanently. Mayor Van Grack stated that when the budget process began, it was done so with the intent of keeping the tax rate at \$.88. At that time, the only member of the Mayor and Council who discussed a different rate was Councilman Abrams, who proposed a \$.01 increase during the course of budget hearings. The Mayor emphasized that while the City has an extremely healthy financial position, the City does not need a symbolic gesture of reducing the tax rate by \$.01, instead, he felt the City is in need of strategic planning, long term planning, and had asked the City Manager to consider, for FY 1988, a large tax reduction or a direct or indirect tax rebate. Further, the Mayor expressed concern that Councilman Hartogensis is not present and as it appears the vote will be two to two, he suggested that the Mayor and Council defer action on the item until Councilman Hartogensis is present at the next meeting.

On motion of Councilman Duncan, duly seconded by Councilman Coyle and passed by unanimous vote of those present, a decision on the ordinance to appropriate funds and levy taxes for FY 87 was tabled until 8:30 p.m. on Monday, June 23, 1986, when a full Council will be present.

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In response to a question from Mayor Van Grack, City Manager Robinson advised the Mayor and Council that a delay in the adoption of the Budget Ordinance for FY 87 would still be manageable for staff to get the budget in place by July 1, 1986.

In preparation for the meeting on June 23, Councilman Abrams asked the City Manager to have staff prepare information on the consequences on the various tax rate starting at \$.88 and going down to approximately \$.82. The information is to include the impact on other funds as well as the pros and cons of a cent-by-cent reduction. In response to a request by City Manager Robinson, the Mayor and Council reaffirmed its policy of including a three-month operating expense reserve as part of undesignated reserves.

On motion of Councilman Abrams, duly seconded, and passed by unanimous vote of all present, the Mayor and Council agreed to table until June 23, the decision on the refuse collection.

Re: Executive Session

On of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to confer with counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:15 p.m. to convene again on Monday, June 23, 1986, in general session, or at the call of the Mayor.